

Application No. 09/857,766
Supplemental Response dated November 6, 2003
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REMARKS/ARGUMENTS

This communication is being filed in commemoration of a telephonic interview with the Examiner on today's date.

Applicant notes with appreciation that Applicant's reply overcomes the rejections over Kordosky '552, over WO '454 and over Virnig '605 (Section 102) and over Kordosky '552 and over WO '454 (Section 103). However, the Advisory Action indicates that the rejection over EP '833 is retained because this reference, citing to claims 1 and 10, discloses 2,4,4-trimethyl-1,3-pentanediol monoisobutyrate, which is the same hydroxy containing ester in claims 9 and 20. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

However, it is respectfully submitted that the Examiner's reliance on claim 12 (and the corresponding disclosure at page 11, lines 3-5) inadvertantly overlooked the full disclosure of EP '833. That is, the compound that is actually disclosed in EP '833 is the benzoic acid ester of 2,2,4-trimethyl-1,3-pentanediol monoisobutyrate. In other words, here again, as with the other disclosed species, 2,2,4-trimethyl-1,3-pentanediol diisobutyrate, the esters disclosed in EP '833, are not esters substituted with an hydroxy group, but rather only diesters are disclosed and these do not have a hydroxy group remaining.

In conclusion, the compositions and processes of the present invention are novel and inventive over EP '833. Applicant believes the application is in order for allowance.

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